

REMARKS:

Claims 5-7 and 13-33 are in the case and presented for consideration.

Claims 1 through 4 have been cancelled and the subject matter of these claims have been incorporated in newly presented claims 25, 26, 28 and 29. It is believed that these newly presented claims overcome the rejection under 35 U.S.C. 112, second paragraph. No new matter has been added.

Previously presented claims 1 through 7 and 11 through 24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (U.S. Patent No. 6,484,473), in view of Massarsch (U.S. Patent No. 5,085,539). For the following reasons it is believed that this combination of references would not render the present claims obvious under 35 U.S.C. 103(a).

Newly presented independent claim 25, and the other pending claims, each of which are dependent from claim 25, recite the steps of overfilling the compartments of cellular foil (3) with fill (4) so that the fill (4) extends above the height of the cellular foil (3), and thereafter compacting the fill (4). Hall does not teach overfilling the tube components with filler material so that the fill extends above the height of the tubes, nor does Hall teach compacting the overfill. To the contrary, in Hall, it is the undesirable formation of filler material on the top of the tube compartments (produced by buckling of the tube walls) that Hall seeks to avoid. Thus Hall discloses that

“Further as more of the filler material is poured onto the framework 100, the walls 102 may begin to buckle as illustrated. This is particularly the case when the material from which the framework [of the compartments] is made is very flexible. Thereafter, as the compartments 104 can no longer receive filler material, a layer 110 of filler material forms on the top of the compartments 104. The net result of this is that the

support structure so formed will be liable to uncontrollable cracking.” Col. 3, line 66 to Col. 4, line 7.

Furthermore, assuming arguendo, that Hall does disclose overfilling the compartments of the tube, which it does not, there is no reason why Hall would have compacted the overfill.

Accordingly, because neither Hall nor Massarsch teach the steps of overfilling the compartments of a cellular foil with fill so that the fill extends above the height of the cellular foil and then compacting the fill, the present application and claims are believed to be in condition for allowance and favorable action is respectfully requested.

If any issues remain which may be resolved by telephone, the Examiner is respectfully invited to contact the undersigned at the number below, to advance the application to allowance.

Favorable action is respectfully requested.

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